



Recommendation 1546 (2002)¹

Implementation of decisions of the European Court of Human Rights

Parliamentary Assembly

1. The Assembly refers to its [Resolution 1268 \(2002\)](#) on the implementation of decisions of the European Court of Human Rights.
2. It refers also to its [Resolution 1226 \(2000\)](#) and [Recommendation 1477 \(2000\)](#) on the execution of judgments of the European Court of Human Rights, in which it asked the Committee of Ministers to take a number of measures to facilitate the implementation of the Court's judgments.
3. It regrets that, one year later, the Committee of Ministers has still not replied to the recommendation.
4. The Assembly accordingly reiterates its recommendations to the Committee of Ministers:
to amend the European Convention on Human Rights so as to give the Committee of Ministers the power to ask the Court for a clarifying interpretation of its judgments where necessary, and to introduce a system of astreintes (daily fines for delays in the performance of a legal obligation) to be imposed on states that persistently fail to execute a Court judgment;
to ask the governments of High Contracting Parties to make more use of their right to intervene in cases before the Court;
to be more firm in carrying out its functions under Article 46 of the Convention;
to ensure that measures taken by governments constitute effective means to prevent further violations being committed.
5. The Assembly welcomes the report of the Evaluation Group of the Committee of Ministers on the European Court of Human Rights.
6. It also recommends that a wider range of responses be developed to cases of failure of member states to abide by the human rights standards of the Council of Europe, bearing in mind existing proposals.
7. In this context, the Parliamentary Assembly also strongly supports the Committee of Ministers' appeal to the authorities of the member states to take whatever action they deem necessary to ensure the proper execution of judgments in situations where the Committee of Ministers has found the respondent state to be in breach of its fundamental obligation under the Convention to comply with the judgments of the European Court of Human Rights as it did in the *Loizidou* case (see Interim Resolution Res DH(2001)80).

1. Assembly debate on 22 January 2002 (3rd Sitting) (see [Doc. 9307](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jurgens). Text adopted by the Assembly on 22 January 2002 (3rd Sitting).

